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10/731,696	12/09/2003	Stratton C. Lloyd	O1C0115US	3270

60975 7590 06/30/2008	EXAMINER	
CAMPBELL STEPHENSON LLP	NGUYEN, THUY-VI THI	
11401 CENTURY OAKS TERRACE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 March 2008</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-38</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-38</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

       1.☐ Certified copies of the priority documents have been received.

       2.☐ Certified copies of the priority documents have been received in Application No. _____.

       3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This is in response to the applicant's communication filed on March 20, 2008,

wherein:

Claims 1- 38 are currently pending;

Claims 1, 16, 32, and 38 have been amended (The examiner notices that

claim 32 has been amended. However, the applicant stated that claim 32 is as

original).

2.   The examiner's acknowledged that the terminal disclaimer filed on 03/20/08

has been received and approved by the office.

Claim Rejections - 35 USC § 101

3.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition
> of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

4.   Claims 16-38 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter.

Claims 16- 31 are rejected under 35 U.S.C. 101 because the claimed

invention is directed to non-statutory subject matter. The claims are directed to a

system containing a data store and components (software components) that do not

meet any of the statutory items such as process (method), machine (apparatus),

manufacture (product) or composition. The system claims appear to be an

apparatus claim, however, there are no normal structures or functional elements
which are required in an apparatus claim. The data store and two components cited
are or appeared to be software modules or software, which are not considered as
structures or structural elements.

Claims 32-37,38 are rejected under 35 U.S.C. 101 because the claimed
invention is directed to non-statutory subject matter. Claims are directed to
computer-readable medium which can be a signal as defined in the specification.
When nonfunctional descriptive material is recorded on some computer-readable
medium, in a computer or on an electromagnetic carrier signal, it is not statutory
since no requisite functionality is present to satisfy the practical application
requirement.

Claim 38 is also rejected under 35 U.S.C 101 because claim is directed to
computer-readable medium containing a data structures. Data structure not claimed
as embodied in computer-readable medium are descriptive material per se and are
not statutory because they are not capable of causing functional change in the
computer. See, e.g. Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760. See
MPEP 2106.01.

Claim Rejections - 35 USC § 102

5.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102
that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6.   Claims 1-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Amerasinghe et al (US 2007/0208608).

Regarding claim 1, Amerasinghe et al disclose a method in a computer system for presenting forecast information, the method comprising:

providing forecast snapshots, each forecast snapshot having a forecast date, a forecast period, forecast interval and summary forecasts [...*creates forecast data*; see par. 0118, lines 1-5; at least figure 22 for *forecast date 216, forecast period 448* and *summary forecasts 437;formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figures 3)*], wherein the forecast interval indicates a frequency at which forecasts are to be generated and saved at forecasts snapshot [...*i.e. the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period* as show in figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059); *forecast data is stored*; par. 0006; and figure 7];

receiving from a user a request to display forecast information for a forecast period [...for example: *the system will automatically displays or fills in forecast date when receiving the input from user such as a forecast series name*; see par. 0120; par. 0123, lines 1-4 and par. 0143, lines 14-16; and figures 20-22];

for each forecast snapshot for the requested forecast period, retrieving

forecasts for participants of the forecast [...*forecast data stored in the database are*

then retrieved corresponding to the user; see par. 0006, lines 8-18; par. 0065, lines

1-11 and figures 6A-6B];

retrieving current opportunities for the user [...users enters opportunities

information and able to view detail revenue schedule information for the opportunity;

see par. 0102, lines 1-5; par. 0104, lines 1-5; par. 0106; 0108 and figures 16-17].

generating a display description with a summary area that includes

summary information of the retrieved forecasts for participants of the

forecast, a participants area that includes information of the retrieved forecasts of

each participant, and a user area that includes information of the retrieved current

opportunities of the user [...summary view 460; participant area 464 and 462 that

includes participant information; the form 462 is also a user area that enable a user

to view his or her forecast and others participant; see par. 0139; 0140; 0141 and

figures 24-27].

Regarding claim 2, Amerasinghe et al disclose wherein the information of the

areas includes a date for each forecast snapshot [see par. 0142, lines 7-10 and

figure 25].

Regarding claim 3, Amerasinghe et al disclose wherein the participants area

includes a row for each participant that, when selected, provides more detailed

information about each participant [see par. 0141, lines 10-18 and figures 24-25].

Regarding claim 4, Amerasinghe et al disclose wherein information of the summary area includes closed revenue and forecast revenue [...revenue class/closed revenue; see par. 0105, lines 4-5; and figure 16; forecast revenue; see par. 0116, lines 1-3 and figure 19].

Regarding claim 5, Amerasinghe et al disclose wherein information of the summary area includes pipeline revenue [...total revenue for all revenue/pipeline revenue; see figures 26-27].

Regarding claim 6, Amerasinghe et al disclose 6 wherein the information of the summary area includes expected revenue [see par. 0115, lines 8-9 and figure 25].

Regarding claim 7, Amerasinghe et al disclose wherein the information of the participants area includes closed revenue and forecast revenue [...revenue class/closed revenue; see par. 0105, lines 4-5; and figure 16; forecast revenue; see par. 0116, lines 1-3 and figure 19].

Regarding claim 8, Amerasinghe et al disclose wherein the information of the participants area includes pipeline revenue [...total revenue for all revenue/pipeline revenue; see figures 26-27].

Regarding claim 9, Amerasinghe et al disclose wherein the information of the participants area includes name of the participant [see figures 24-25].

Regarding claim 10, Amerasinghe et al disclose wherein the user area includes information for each opportunity of the user [see par. 0141, lines 10-18].

Regarding claim 11, Amerasinghe et al disclose wherein the information for each opportunity includes opportunity identifier and forecast revenue [see par. 0102, lines 5-10; see par. 0116, lines 1-3 and figure 16 and 19].

Regarding claim 12, Amerasinghe et al disclose wherein the summary area includes a row of information for each forecast snapshot within the forecast period, the participant area includes a row of information for each participant within each forecast snapshot within the forecast period, and the user area includes a row for each opportunity of the user [see par. 0139, par. 0141, lines 10-16 and figures 24-25].

Regarding claim 13, Amerasinghe et al disclose wherein information of the summary area includes forecasted quantity of a product [see figure 16 for quantity of a product].

Regarding claim 14, Amerasinghe et al disclose wherein the information of the summary area includes closed quantity of a product [see figure 16 for revenue class/closed of a product].

Regarding claim 15, Amerasinghe et al disclose wherein the information of the summary area includes pipeline quantity of a product [...total revenue for all revenue/pipeline revenue; see figures 26-27].

Regarding claim 16, Amerasinghe et al disclose a computer system for presenting forecast information, comprising:

a data store with forecast snapshots having a forecast date, a forecast period, forecast interval and forecast information [...*creates forecast data*; see par. 0118,

lines 1-5; at least figure 22 for *forecast date 216, forecast period 448* and *summary forecasts 437;formulate the structure of forecast including forecast interval; (par. 0006; par. 0057 and figure 3))*], wherein the forecast interval indicates a frequency at which forecasts are to be generated and saved at forecasts snapshot [...*i.e. the forecast is created using the parameter such as interval, interval period which indicates the frequency at which forecasts are made within a period* as show in figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059);*forecast data is stored*; par. 0006; and figure 7];

a component that, for each forecast snapshot for a forecast period, retrieves forecasts for participants of the forecast [....revenue management software tool enables user to enter and retrieve forecast data; see par. 0006, lines 12-17]; and

a component that generates a display description with a summary area that includes summary information of the retrieved forecasts for participants of the forecast, a participants area that includes information of the retrieved forecasts of each participant, and a user area that includes information of opportunities of a user [...summary view 460; participant area 464 and 462 that includes participant information; the form 462 is also a user area that enable a user to view his or her forecast and others participant; see par. 0139; 0140; 0141 and figures 24-27].

Regarding claim 17, Amerasinghe et al disclose wherein the information of the areas includes a date for each forecast snapshot [see par. 0142, lines 7-10 and figure 25].

Regarding claim 18, Amerasinghe et al disclose wherein the participants area includes a row for each participant that, when selected, provides more detailed information about each participant, the more detailed information including opportunity information retrieved from a snapshot [see par. 0139, par. 0141, lines 10-18 and figures 24-25].

Regarding claim 19, Amerasinghe et al disclose wherein information of the summary area includes forecast revenue [...forecast revenue; see par. 0116, lines 1-3 and figure 19].

Regarding claim 20, Amerasinghe et al disclose wherein the information of the summary area includes closed revenue [...revenue class/closed revenue; see par. 0105, lines 4-5; and figure 16].

Regarding claim 21, Amerasinghe et al disclose wherein the information of the summary area includes expected revenue [see par. 0115, lines 8-9 and figure 25].

Regarding claim 22, Amerasinghe et al disclose including a component that automatically generates forecasts in accordance with a forecast definition [see par. 0108, lines 1-4].

Regarding claim 23, Amerasinghe et al disclose wherein information of the participants area includes forecast revenue [...forecast revenue; see par. 0116, lines 1-3 and figure 19].

Regarding claim 24, Amerasinghe et al disclose wherein the information of

the participants area includes pipeline revenue [...total revenue for all

revenue/pipeline revenue; see figures 26-27].

Regarding claim 25, Amerasinghe et al disclose wherein the information of

the participants area includes name of the participant [see figures 24-25].

Regarding claim 26, Amerasinghe et al disclose wherein the user area

includes information for each current opportunity of the user [...users enters

opportunities information and able to view detail revenue schedule information for

the opportunity; see par. 0102, lines 1-5; par. 0104, lines 1-5; par. 0106; 0108 and

figures 16-17].

Regarding claim 27, Amerasinghe et al disclose wherein the user area

includes information for each opportunity of the user stored in a snapshot [see par.

0016, par. 0068, lines 13-15 and figure 8].

Regarding claim 28, Amerasinghe et al disclose wherein the summary area

includes a row of information for each forecast snapshot within the forecast

period, the participant area includes a row of information for each participant

within each forecast snapshot within the forecast period, and the user area

includes a row for each opportunity of the user [see par. 0139, par. 0141, lines 10-18

and figures 24-25].

Regarding claim 29, Amerasinghe et al disclose wherein information of the

summary area includes forecasted quantity of a product [see figure 16 for quantity of

a product].

Regarding claim 30, Amerasinghe et al disclose wherein the information of

the summary area includes closed quantity of a product [see figure 16 for revenue

class/closed of a product].

Regarding claim 31, Amerasinghe et al disclose wherein the information of

the summary area includes pipeline quantity of a product [...total revenue for all

revenue/pipeline revenue; see figures 26-27].

Regarding claim 32, Amerasinghe et al disclose a computer-readable medium

for controlling a computer system to present forecast information, by a method

comprising:

providing forecast snapshots, each forecast snapshot having a forecast

date, a forecast period, forecast interval and summary [...*creates forecast data*; see

par. 0118, lines 1-5; at least figure 22 for *forecast date 216, forecast period 448* and

summary forecasts 437;formulate the structure of forecast including forecast interval;

(par. 0006; par. 0057 and figure 3))], wherein the forecast interval indicates a

frequency at which forecasts are to be generated and saved at forecasts [...*i.e. the*

forecast is created using the parameter such as interval, interval period which

indicates the frequency at which forecasts are made within a period as show in

figures 3-4, 18A; par. 0057(table 1), pars. 0058-0059); *forecast data is stored*; par.

0006; and figure 7];

for each forecast snapshot for the requested forecast period, retrieving

forecasts for participants of the forecast [...forecast data stored in the database are

then retrieved corresponding to the user; see par. 0006, lines 8-18; par. 0065, lines

1-11 and figures 6A-6B]; and

generating a display description with a summary area that includes summary

information of the retrieved forecasts for participants of the forecast and a

participants area that includes information of the retrieved forecasts of each

participant [...summary view 460; participant area 464 and 462 that includes

participant information; see par. 0139; 0140; 0141 and figures 24-25].

Regarding claim 33, Amerasinghe et al disclose wherein the information of

the areas includes a date for each forecast snapshot [see par. 0142, lines 7-10 and

figure 25].

Regarding claim 34, Amerasinghe et al disclose wherein the participants area

includes a row for each participant that, when selected, provides more detailed

information about each participant [see par. 0141, lines 10-18 and figures 24-25].

Regarding claim 35, Amerasinghe et al disclose wherein the information

of the participants area includes name of the participant [see figures 24-25].

Regarding claim 36, Amerasinghe et al disclose wherein the summary

area includes a row of information for each forecast snapshot within the forecast

period and the participant area includes a row of information for each participant

within each forecast snapshot within the forecast period [see figures 24-25].

Regarding claim 37, Amerasinghe et al disclose wherein information of

the summary area includes forecasted quantity of a product [see figure 16 for

quantity of a product].

Regarding claim 38, Amerasinghe et al disclose a computer-readable medium

containing a data structure comprising:

a summary area that includes summary information of forecasts for

participants of a forecast, the summary information being generated based on

forecast snapshots having a forecast date, a forecast period, forecast interval and

summary forecasts [...*creates forecast data*; see par. 0118, lines 1-5; at least figures

22-25 for *forecast date 216, forecast period 448* and *summary forecasts*

437;formulate the structure of forecast including forecast interval; (par. 0006; par.

0057 and figure 3))], wherein the forecast interval indicates a frequency at which

forecasts are to be generated and saved at forecasts snapshot [...*i.e. the forecast is*

created using the parameter such as interval, interval period which indicates the

frequency at which forecasts are made within a period as show in figures 3-4, 18A;

par. 0057(table 1), pars. 0058-0059);*forecast data is stored*; par. 0006; and figure 7];

a participants area that includes information of forecasts of each

participant that is generated based on the forecast snapshots [...participant area 464

and 462 that includes participant information; see par. 0139 and figures 24-25]; and

a user area that includes information of the retrieved current opportunities

of the user the form 462 is also a user area that enable a user to view his or her

forecast and others participant; [see par. 0140; par. 0141 and figures 24-25].

Response to Arguments

7.   Applicant's arguments filed March 20, 2008 have been fully considered but
they are not persuasive.

        Applicant argues that Amerasinghe does not disclose a "forecast
interval" that indicates how frequent forecasts are to be generated. The examiner
respectfully disagrees. Amerashinghe discloses a system for generating the
forecast data. *The forecasts data is having the structure of forecast made by users*
of the system including defining attributes of the forecasts such as forecast period,
intervals; (par. 0006; par. 0057 and figures 3)]; Amerashinghe also discloses the
frequency of how the forecast is generated [...*i.e. the forecast is created using the*
parameter such as interval, interval period which indicates the frequency at which
forecasts are made within a period as show in figures 3-4, 18A; par. 0057(table 1),
pars. 0058-0059; Further more, figure 17 shows how the forecast *data is generated*
by week, month, Quarter, Year (par. 0107)]. For the reason above, Amerashinghe
discloses a "forecast interval" that indicates how frequent forecasts are to be
generated.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to
applicant's disclosure.

        Any inquiry concerning this communication or earlier communications from
the examiner should be directed to Thuy-Vi Nguyen whose telephone number is

571-270-1614. The examiner can normally be reached on Monday through

Thursday from 8:30 A.M to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Janice Mooneyham can be reached on 571-272-6805. The

fax phone number for the organization where this application or proceeding is

assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR

only. For more information about the PAIR system, see http://pair-direct.uspto.gov.

Should you have questions on access to the Private PAIR system, contact the

Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like

assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-

272-1000.

/T. N./

Examiner, Art Unit 3689

/Janice A. Mooneyham/

Supervisory Patent Examiner, Art Unit 3689